

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

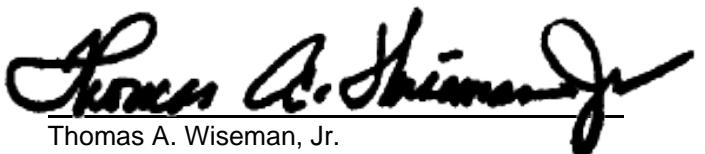
ROGER STEPHENS,)
)
Plaintiff,)
)
)
v.) No. 3:04-cv-0969
) Judge Thomas A. Wiseman, Jr.
)
AMERICAN REPUBLIC INSURANCE)
COMPANY,)
)
Defendant.)

ORDER

Before the Court is defendant American Republic Insurance Company's Motion for Judgment on the Pleadings as to Counts II through IV of Plaintiff's Amended Complaint. (Doc. No. 17.) For the reasons set forth in the accompanying Memorandum, defendant's motion is **DENIED** as to Counts II and III, **GRANTED** with respect to Count IV insofar as Count IV may be construed to state a claim for breach of contract relating to any ERISA-qualified deferred compensation plan, and **DENIED** insofar as Count IV relates to any non-ERISA plans.

Also before the Court is plaintiff Roger Stephens' motion to file a supplemental response to defendant's reply, along with which he filed the proposed response (Doc. No. 31 and Ex. A). Because the Court has reached its holding without reference to Stephens' proposed response to defendant's reply, the motion for leave to file said response is **DENIED** as moot.

It is so ORDERED.



Thomas A. Wiseman, Jr.
Senior United States District Judge